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EXAMINER	
VIEAUX, GARY	
ART UNIT	**PAPER NUMBER**
2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/781,917	FISHER ET AL.	
	Examiner	Art Unit	
	Gary C. Vieaux	2622	

-- Th MAILING DATE of this communication app ars on the cov r she t with the correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 10, 2006, has been entered.

Amendment

The Amendment, filed March 14, 2006, has been received and made of record. In response to the most recent Office Action, dated January 11, 2006, claims 1, 7, 14, 16-17, 21, 27, 24, 36-37, and 41 have been amended.

Response to Arguments

Applicants' arguments filed March 14, 2006 with respect to claims 1-42 have been fully considered but they are not persuasive.

Regarding claim 42, Applicants submit that the Steinberg reference (US 6,006,039) fails to identically teach each and every element of the claims, and therefore does not anticipate the present invention (Remarks, p.14.) Applicants also submit that the Steinberg reference (US 6,006,039), in light of the specification, does not anticipate

or make obvious the Applicants invention by the teachings of the cited references (Remarks, p. 15.) The Examiner respectfully disagrees.

The language of claim 42 is as follows: "A system for manipulating image data, comprising:

means for storing one or more ancillary data files;

means for capturing said image data;

means for transferring said one or more ancillary data files from said means for storing to said means for capturing; and

means for manipulating said image data with said one or more ancillary data files."

First, the Specification provides means for storing one or more ancillary data files which includes a service on a distributed computer network like the Internet, a discrete electronic device such as a personal computer, or a removable, non-volatile memory device such as a flash memory (p. 6 lines 16-20.) Correspondingly, the Steinberg reference provides means for storing one or more ancillary data files which also includes a personal computer (fig. 1 indicator 14; col. 3 lines 57-60), as well as a removable, non-volatile memory device (fig. 1 indicator 22; col. 4 lines 1-3.) Therefore, the claimed limitation is found by the Examiner to be anticipated by the prior art element.

Second, the Specification provides means for capturing said image data that includes an electronic camera device (fig. 1 indicator 110; p. 6 lines 25-26.) Equally, the Steinberg reference provides means for capturing said image data that also includes a

camera (fig. 1 indicator 10.) Therefore, the claimed limitation is found by the Examiner to be anticipated by the prior art element.

Third, the Specification provides means for transferring said one or more ancillary data files from said means for storing to said means for capturing which includes wireless communications (fig. 6 indicator 632), removable storage media (fig. 6 indicator 636), and "any required type of interfaces or connectors (not shown) for coupling camera device 110 and other electronic devices or entities to thereby support bi-directional communications" (p. 12 lines 1-27.) Correspondingly, the Steinberg reference provides means for transferring said one or more ancillary data files from said means for storing to said means for capturing which also includes wireless communications, removable storage media, and cable (fig. 1 indicators 20, 22, and 38; col. 3 lines 45-60.) Therefore, the claimed limitation is found by the Examiner to be anticipated by the prior art element.

Fourth and finally, the Specification provides means for manipulating said image data with said one or more ancillary data files that includes a central processing unit (fig. 3 indicator 344) employed in combining of image data with ancillary data (p. 9 lines 12-29.) Correspondingly, the Steinberg reference provides means for manipulating said image data with said one or more ancillary data files which also includes a processor to execute camera functionality (fig. 4 indicator 122; col. 7 lines 14-19.) Therefore, the claimed limitation is found by the Examiner to be anticipated by the prior art element.

Based on the foregoing comparisons, it is demonstrated that each of the claimed limitations are also found within the Steinberg reference, and therefore the rejection to claim 42 is forthwith maintained by the Examiner.

It is noted by the Examiner that the Applicants have not particularly directed or expressly indicated any of the specific claim limitations of claim 42 asserted to have not been taught or anticipated in their most recent response, dated March 14, 2006, or in any of the previous correspondence (dated October 13, 2005, dated April 25, 2005, and dated November 1, 2004.) Therefore, based on the foregoing comparisons, which have also been provided in Office Actions dated January 11, 2006, dated July 15, 2005, and dated February 23, 2005, it is demonstrated that each of the claimed limitations are also found within the Steinberg reference, and therefore the rejection to claim 42 continues to be maintained by the Examiner.

Regarding claims 1 and 21, Applicants submit that the Sarbadhikari reference does not disclose performing one or more on-line management procedures "while an active bi-directional electronic communication path exists" (Remarks, p. 17.) The Examiner respectfully disagrees.

Column 4 lines 37-56 (lines 40-49 inclusive) of Sarbadhikari provides a teaching of a data source being employed for not only downstream processing of images, but also being employed to transfer files (data, code, etc.) to an imaging device. Sarbadhikari further provides that these files may be selected by the user by means of appropriate intervention through the camera, and that the data source is capable of two-way communication with the imaging device, communication that occurs while the data

source is connected to the imaging device. This selection of files by the user, during two-way communication between the data source connected to the imaging device is clearly found to be on-line management while an active bi-directional electronic communication path exists.

Applicants also submit that the Sarbadhikari reference does not disclose one or more on-line management procedures "during which a system user interactively utilizes said imaging device to view said one or more ancillary data files that are stored on said data source, to manipulate said one or more ancillary data files that are stored on said data source, to select said one or more ancillary data files that are stored on said data source" (Remarks, p. 17.) Again, the Examiner respectfully disagrees.

Sarbadhikari, at column 7 lines 15-50, teaches the imaging device being used to view operational information related to the imaging device, including ancillary data files. Sarbadhikari further provides that the data files, when available via the data source, can be identified on a display and that user intervention for selection of data files is conducted by the use of inputs in conjunction with the imaging device display, which is found to be a demonstration of one or more on-line management procedures during which a system user interactively utilizes said imaging device to view, manipulate, and select said ancillary data files.

Applicants further submit that the Steinberg reference fails to provide any enabling discussion with regard to receiving data from a remote destination (Remarks, p. 18.) However, neither claim 1 nor claim 21 recite limitations relevant to receiving data from a remote destination other than from the actual data source, which is

implemented as a computer in a distributed computer network. As the claims do not recite limitations regarding ancillary data files being received from a data source beyond that of the computer, further discussion of this issue is considered to be moot.

Applicants also submit that the Steinberg reference teaches away from their claimed invention, as the primary data flow described in Steinberg is in the opposite direction to the primary data flow recited by the Applicants (Remarks, p. 18.) Again, the Examiner respectfully disagrees.

The Sarbahikari reference, at column 11 lines 26-37, teaches the data source being implemented as a computer, which is connected to the imaging device. However, although Sarbadhikari teaches the data source being implemented as a computer, Sarbadhikari is not found to teach the computer being *a computer in a distributed computer network* (*emphasis added.*) Therefore, the Steinberg reference is employed to demonstrate the teaching of a computer being employed as a computer in a distributed computer network. Steinberg, at column 4 at lines 2-4 and 49-53, and by way of figure 1 indicators 16 and 18, clearly teaches an imaging device connected to a computer and the computer being a computer in a network, bi-directionally communicating data. Motivation to combine the teaching of these references was also provided (Office Action dated July 15, 2005), which stated "[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated a computer in a distributed computer network as taught by Steinberg, with the computer of the system for manipulating image data as taught by Sarbadhikari, in order to create a system for manipulating image data which allowed for transferal of one or more

ancillary data files from a computer far removed from that of the imaging device configured to capture said image data, as well as to possibly allow for the transferal of one or more ancillary data files from more than one computer.

Because the Steinberg reference was introduced for the purpose of illustrating the teachings of a computer in a distributed computer network (discussed supra), as well as the fact that the limitations of amended claims 1 and 21 do not provide for distinguishing a primary data flow from a secondary data flow, or any other relative data flow, further discussion of these issues is considered to be moot.

Based on the foregoing responses, the Examiner respectfully maintains the 35 U.S.C. § 103(a) rejections to claims 1 and 21.

Regarding claims 2-20 and 22-40, each depend either directly from or indirectly from independent claims 1 or 21, and thus inherit all the limitations of independent claims 1 or 21, respectively. Consequently, based on their dependence and the foregoing response to arguments relating to claims 1 and 21, the Examiner respectfully maintains the 35 U.S.C. § 103(a) rejections to claims 2-20 and 22-40, as they relate to claims 1 or 21, respectively.

Regarding claims 7, 14, 16, 17, 27, 34, 36, and 37, which have been amended to remove language that presented certain limitations in the alternative or to specifically create an alternative limitation, these claims have been examined for patentability in light of these amendments, on a claim by claim basis.

Regarding claims 2 and 22, Applicants submit that there is no specific teaching of a combination that would result in Applicants' invention (Remarks, p.21.) The Examiner respectfully disagrees.

The language of claim 2 is as follows: "the system of claim 1 wherein said data source includes an image station on an Internet network.

Official Notice was originally taken regarding the equivalency of a computer in a distributed computer network and an image station site on an Internet network (Office Action of July, 15, 2005.)

First, it is noted that Applicants, in the Abstract of the application has defined the Internet as a distributed network, therefore establishing the equivalence of a distributed computer network and an Internet network:

> "The data source may be implemented in any effective manner, including as a service on *an distributed computer network like the Internet*, as a discrete electronic device such as a personal computer, or as a removable, non-volatile memory device such as a flash memory." (*Emphasis added.*)

Second, claim 1 expressly calls for the data source being implemented as a computer, and claim 2 further limits this the data source, implemented as a computer, to be "an image station site". The Examiner presents the supporting reference Creamer et al. (US 6,930,709 - filed on December 3, 1998), to illustrate the related equivalency of a computer being employed as "an image station site". Creamer details a general purpose personal computer, incorporated in concert with the World Wide Web, that has the ability to place an image on the Internet, as well as states that the computer is

usually dedicated to serving the camera (col. 1 lines 16-65.) This reference is presented to support what is well known with respect to a computer being dedicated and used for image data and connected to the Internet, that although different in naming convention, it serves the same functions and, based on this correspondence, it would have been obvious to one of ordinary skill in the art at the time of the invention to equate its equivalent to that of an image station site on an Internet network. Therefore, based on the foregoing response, the Examiner respectfully maintains the 35 U.S.C. § 103(a) rejections to claims 2 and 22.

Regarding claims 3 and 23, Applicants maintain that the Examiner has failed to make a prima facie case of obviousness under 35 U.S.C. 103(a) (Remarks, p. 21.) However, as Applicants have not illustrated actual errors, and aside from the broad, sweeping statement regarding obviousness, has not indicated which, if any, limitations are not taught, the Examiner is unable to provide further discourse, and therefore, respectfully stands behind the 35 U.S.C. § 103(a) rejections to claims 3 and 23.

Regarding claims 12 and 32, Applicants maintain that the Examiner has failed to make a prima facie case of obviousness under 35 U.S.C. 103(a) (Remarks, p. 22.) However, as Applicants have not illustrated any actual errors, and aside from the broad, sweeping statement regarding obviousness, has not indicated which, if any, limitations are not taught, the Examiner is unable to provide further discourse, and therefore, respectfully stands behind the 35 U.S.C. § 103(a) rejections to claims 12 and 32, as they relate to the issue of obviousness.

Applicants also submit that the cited references fail to teach that the ancillary data files are create by both a system user on a local computer device and a system manufacturer utilizing ancillary-data production equipment, as claimed by Applicants (Remarks, p. 23.) Again, the Examiner respectfully disagrees.

Sarbadhikari is found to disclose one or more ancillary data files are created by a system manufacturer utilizing ancillary-data production equipment ('264 - col. 6 lines 58-63.) Further, Aihara was provided to teach that a user can create an ancillary data file (col. 7 lines 33-38.) It would have been obvious to one of ordinary skill in the art at the time of the invention to allow for a user to create the ancillary data file, with the system as taught by Sarbadhikari and Steinberg, in order to give the result its distinctive appearance ('190 – col. 7 lines 36-38.) As both methods to create the ancillary data files are taught, as well as being clearly known at the time of the invention, the Examiner respectfully stands behind the 35 U.S.C. § 103(a) rejections to claims 12 and 32.

Regarding claims 18-20 and 38-40, Applicants maintain that the Examiner has failed to make a prima facie case of obviousness under 35 U.S.C. 103(a) (Remarks, p. 24.) However, as Applicants have not illustrated any actual errors, and aside from the broad, sweeping statement regarding obviousness, has not indicated which, if any, limitations are not taught, the Examiner is unable to provide further discourse, and therefore, respectfully stands behind the 35 U.S.C. § 103(a) rejections to claims 18-20 and 38-40, as they relate to the issue of obviousness.

Regarding claims 18 and 38, Applicants submit that Anderson fails to teach a "data source being implemented as a computer in a distributed computer network" (Remarks, p. 24.) However, as Anderson was presented to provide a teaching of a file descriptor identification procedure and menu reorganization (please see Office Action dated July 15, 2005), and as the limitations of a "data source being implemented as a computer in a distributed computer network" as claimed by Applicants were previously addressed in relation to their teachings as provided in the Sarbadhikari and Steinberg references as they relate to claims 1 and 21, respectively, the Examiner respectfully maintains the 35 U.S.C. § 103(a) rejection to claims 18 and 38, as they relate to the limitations as previously discussed.

Regarding claim 41, as Applicants have amended the claim to recite elements and functionality similar to those recited in claim 21, the Examiner in turn respectfully maintains the 35 U.S.C. § 103(a) rejection to claim 41 based on the foregoing responses to similar claim 21.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 42 is rejected under 35 U.S.C. 102(b) as being anticipated by Steinberg et al. (US 6,006,039.)

Regarding claim 42, Steinberg teaches a system for manipulating image data, comprising: means for storing one or more ancillary data files (fig. 1 indicator 14); means for capturing said image data (fig. 1 indicator 10); means for transferring said one or more ancillary data files from said means for storing to said means for capturing (fig. 1 indicators 20,22, and 38); and means for manipulating said image data with said one or more ancillary data files (fig. 4 indicator 122.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-11, 13-17, 21, 24-31, and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) in view of Steinberg et al. (US 6,628,325.)

Regarding claim 1, Sarbadhikari teaches a system for manipulating image data, comprising a data source configured to store one or more ancillary data files (fig. 11 indicator 4; col 11 lines 26-37), said data source being implemented as a computer (fig. 11 indicator 4), an imaging device configured to capture said image data (fig. 11 indicator 1), and an ancillary data module for transferring said one or more ancillary

data files from said data source to said imaging device for manipulating said image data (fig. 10 indicators 20, 18, and 22; col. 6 lines 10-37; col. 11 lines 26-37), said ancillary data module performing on-line management procedures during which a system user interactively utilizes said imaging device to view said one or more ancillary data files that are stored on the data source, to manipulate said one or more ancillary data files that are stored on the data source, to select said one or more ancillary data files that are stored on the data source, and to download said one or more ancillary data files from said data source to said imaging device, said one or more on-line management procedures occurring while an active bi-directional electronic communication path currently exists from said imaging device to said computer (col. 4 lines 37-56; col. 7 lines 15-50; col. 9 lines 9-13), said one or more ancillary data files including one or more image data files that said imaging device combines with said image data to create a new composite image (col. 4 line 57 – col. 5 line 40.) Although Sarbadhikari teaches the data source being implemented as a computer, with the same functionality that is provide by the removable memory card embodiment applied therein (col. 11 lines 26-37), a data source being implemented as *a computer in a distributed computer network* is not taught (emphasis added.)

Nevertheless, Steinberg teaches a similar system for manipulating image data in which a computer in a computer in a distributed computer network is employed (fig. 1 indicators 16 and 18; col. 4 lines 2-4 and lines 49-53.) It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated a computer in a distributed computer network as taught by Steinberg, with the computer

of the system for manipulating image data as taught by Sarbadhikari, in order to create a system for manipulating image data which allowed for transferal of one or more ancillary data files from a computer far removed from that of the imaging device configured to capture said image data, as well as to possibly allow for the transferal of one or more ancillary data files from more than one computer.

Regarding claim 4, Sarbadhikari and Steinberg teach all the limitations of claim 4 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said imaging device includes at least one of a digital still camera device ('264 - col. 5 lines 55-57), a video camera device, and an electronic scanner device.

Regarding claim 5, Sarbadhikari and Steinberg teach all the limitations of claim 5 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said one or more ancillary data files are transferred from said data source to said imaging device ('264 - col. 2 line 50 - col. 3 line 2) by utilizing a wireless transmission process ('325 – col. 4 lines 61-65.)

Regarding claim 6, Sarbadhikari and Steinberg teach all the limitations of claim 6 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said ancillary data module manipulates said image data by combining selected ones of said ancillary data files with said image data to generate new composite data ('264 - col. 10 line 33-39.)

Regarding claim 7, Sarbadhikari and Steinberg teach all the limitations of claim 7 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said imaging device includes a capture subsystem ('264 - fig. 10 indicator 10) and a control

module ('264 - fig. 10 indicators A and B), said control module having a central processing unit ('264 - fig. 10 indicator 20), a memory ('264 - fig. 2 indicator 32, indicator 31), a viewfinder ('264 - fig. 10 indicator 29), and one or more input/output interfaces ('264 - fig. 10 indicators 21 and 26.)

Regarding claim 8, Sarbadhikari and Steinberg teach all the limitations of claim 8 (see the 103(a) rejection to claim 7 supra), including teaching a system wherein said memory includes an application software program ('264 - col. 10 lines 1-4), an operating system ('264 - col. 7 lines 51-52), said ancillary data module (driving indicators 20, 18, and 22 of fig. 10), said one or more ancillary data files ('264 - col. 8 lines 52-58, col. 10 lines 5-6), a display manager ('264 - col. 9 lines 6-11 and col. 7 lines 44-49), data storage for storing said image data ('264 - fig. 4, fig. 10 indicators 18 and 35, col. 9 lines 15-26), and one or more camera menus for display upon said viewfinder ('264 - col. 7 lines 44-49, col. 9 lines 6-11.)

Regarding claim 9, Sarbadhikari and Steinberg teach all the limitations of claim 9 (see the 103(a) rejection to claim 7 supra), including teaching a system wherein said one or more input/output interfaces include a distributed electronic network interface ('325 fig. 1 indicator 16), a host computer interface ('264 - fig. 11 indicator 34; '325 col. 4 lines 2-4), a printer interface ('325 col. 4 lines 2-4), a wireless communications interface ('325 col. 4 lines 61-65), a user interface ('264 - fig. 2 indicator 21), and a removable storage media interface ('264 - fig. 2 indicator 26; '325 fig. 2 indicator 58.)

It is also noted by the Examiner that this claim, as currently written, only requires a minimum of one input/output interface, by way of the limiting language of "one or more input/output interfaces".

Regarding claim 10, Sarbadhikari and Steinberg teach all the limitations of claim 10 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said ancillary data module includes a download manager for transferring said ancillary data files from said data source to said imaging device and analyzing said ancillary data files ('264 - col. 7 lines 30-67), an editing module for combining said one or more ancillary data files with said image data ('264 - col. 9 lines 13-21), a data manager for controlling and reorganizing said one or more ancillary data files ('264 – col. 4 lines 63-64, col. 5 lines 22-25, col. 7 lines 60-65, and col. 9 lines 13-50) and miscellaneous routines that include a conversion routine for translating said one or more ancillary data files into a compatible format ('325 – figs. 3 and 9, col. 7 lines 10-13.)

Regarding claim 11, Sarbadhikari and Steinberg teach all the limitations of claim 11 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said one or more ancillary data files each include a data portion and a corresponding descriptor tag that is analyzed by said ancillary data module to identify, characterize, and categorize a corresponding one of said one or more ancillary data files (col. 4 lines 58-63, col. 7 lines 31-44.)

Regarding claim 13, Sarbadhikari and Steinberg teach all the limitations of claim 13 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said data source is configured to facilitate interactively accessing, manipulating, and

downloading said one or more ancillary data files to said imaging device by a system user ('264 - col. 7 lines 38-50.)

Regarding claim 14, Sarbadhikari and Steinberg teach all the limitations of claim 14 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said imaging device establishes an active communication path to said data source (col. 4 lines 44-47), said active communication path being established by an automatic connection protocol ('264 - col. 7 lines 30-65, in which detection of the presence of a card and the presence of a connection to a computer are read to be comparable) and also by a user-initiated connection protocol (col. 4 lines 46-47; fig. 11 via connection of indicator 38.)

Regarding claim 15, Sarbadhikari and Steinberg teach all the limitations of claim 15 (see the 103(a) rejection to claim 14 supra), including teaching a system wherein said ancillary data module performs one or more on-line management procedures while said active communication path is available, said one or more on-line management procedures including a data source content review ('264 - col. 7 lines 32-40, 54-57) and an ancillary-data file download procedure ('264 - col. 7 lines 60-65.)

It is also noted by the Examiner that this claim, as currently written, only requires a minimum of one on-line management procedure, by way of the limiting language of "one or more on-line management procedures".

Regarding claim 16, Sarbadhikari and Steinberg teach all the limitations of claim 16 (see the 103(a) rejection to claim 15 supra), including teaching a system wherein said ancillary data module downloads a special instruction file that corresponds to a

selected ancillary data file, said special instruction file including information that instructs said imaging device how to correctly utilize said selected ancillary data file, said special instruction file being formatted as an embedded instruction file that is embedded in said selected ancillary data file ('264 - col. 10 lines 43-50) and also as a discrete instruction file that is not embedded in said selected ancillary data file (col. 9 line 51 – col. 10 line 18.)

Regarding claim 17, Sarbadhikari and Steinberg teach all the limitations of claim 17 (see the 103(a) rejection to claim 15 supra), including teaching a system wherein said imaging device terminates said active communication path to said data source when said on-line management procedures have been completed, said active communication path being terminated by a user-initiated termination protocol ('264 - fig. 3, col. 9 lines 3-14, in which an analogous process would apply to a tethered data source instead of an inserted card.)

It is noted by the Examiner that this claim, as currently written, only requires a minimum of one termination protocol, by way of the language of "alternately".

Regarding claims 21, 24-31, and 33-37, although the wording is different, the material is considered substantively equivalent to claims 1, 4-11, and 13-17, respectively, as discussed above.

Claims 2 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) in view of Steinberg et al. (US 6,628,325), with a supporting reference Creamer et al. (US 6,930,709.)

Regarding claim 2, Sarbadhikari and Steinberg teach all the limitations of claim 2 (see the 103(a) rejection to claim 1 supra), except for explicitly teaching a system wherein said data source includes an image station site on an Internet network.

The Examiner cites as supporting reference, Creamer et al. (US 6,930,709- filed on December 3, 1998), to illustrate the related equivalency of a computer in a distributed computer network being employed as "an image station site on an Internet network", a concept and equivalency that is well known and expected in the art. Creamer details a general purpose personal computer, incorporated in concert with the World Wide Web, that has the ability to place an image on the Internet, as well as states that the computer is usually dedicated to serving the camera (col. 1 lines 16-65.) Therefore, this reference is presented to support what is well known with respect to a computer dedicated and used for image data and connected to the Internet, being equivalent in naming convention to an image station site on an Internet network. It would have been obvious to one of ordinary skill in the art at the time of the invention for the computer in a distributed computer network to be an image station on an Internet network for the purposes of having a dedicated general purpose computer employed for image/camera related tasks such as manipulating image data, and which can be accessed via remote locations connected throughout the world wide web or an equivalent distributed network for the purpose of manipulating image data. (It is also noted that Applicants define the Internet as a distributed network (see Abstract), and that claim 2 serves to further limits the data source of claim 1, which is explicitly implemented as a computer in a distributed computer network.)

Regarding claim 22, although the wording is different, the material is considered substantively equivalent to claim 2 as discussed above.

Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) and Steinberg et al. (US 6,628,325), in view of Qian (US 6,950,130) and in further view of Aihara et al. (US 6,223,190.)

Regarding claim 3, Sarbadhikari and Steinberg teach all the limitations of claim 3 (see the 103(a) rejection to claim 1 supra), except for teaching a system wherein said ancillary data files include an image background file and an Internet webpage file. However, Sarbadhikari does teach merging ancillary data files with those captured by the camera ('264 – col. 5 lines 22-27), such as image template files ('264 - figs. 8 and 9, col. 6 lines 56-59) and overlay files ('264 - col. 5 line 25-27), for the purpose of enhancing the images captured by the user for particular situations ('264 - col. 10 lines 24-30.)

Qian teaches the both the creation of background files and the replacement of backgrounds in captured images (Abstract; col. 1 lines 43-53; claim 1.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include background files as taught by Qian with the system as taught by Sarbadhikari and Steinberg, so that the user is provided with another ancillary data file merging option, in addition to templates and overlays, for the purpose of enhancing the images captured by the user for particular situations, as well as to expand the potential functionality of the imaging device.

Furthermore, Aihara teaches Internet webpage files employed as ancillary data files (col. 9 lines 40-42, col. 10 line 17 – col. 12 line 36.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ancillary data files as taught by Aihara, with the system as taught by Sarbadhikari, Steinberg, and Qian, for the purpose of enhancing the images captured by the user for particular situations, as well as to expand the potential functionality of the imaging device.

Regarding claim 23, although the wording is different, the material is considered substantively equivalent to claim 3 as discussed above.

Claims 12 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) and Steinberg et al. (US 6,628,325), in view of Aihara et al. (US 6,223,190.)

Regarding claim 12, Sarbadhikari and Steinberg teach all the limitations of claim 12 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said one or more ancillary data files are created by a system manufacturer utilizing ancillary-data production equipment ('264 - col. 6 lines 58-63.) However, neither Sarbadhikari nor Steinberg is found to teach a system wherein said one or more ancillary data files are created by a system user on a local computer device.

Nevertheless, Aihara teaches that a user can create the ancillary data file (col. 7 lines 33-38.) It would have been obvious to one of ordinary skill in the art at the time of the invention to allow for a user to create the ancillary data file, with the system as

taught by Sarbadhikari and Steinberg, in order to give the result its distinctive appearance ('190 – col. 7 lines 36-38.)

Regarding claim 32, although the wording is different, the material is considered substantively equivalent to claim 12 as discussed above.

Claims 18-20, 38-40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) in view of Steinberg et al. (US 6,628,325), in further view of Anderson (US 6,177,957.)

Regarding claim 18, Sarbadhikari and Steinberg teach all the limitations of claim 18 (see the 103(a) rejection to claim 17 supra), except for teaching a system wherein said ancillary data module performs an off-line management procedure for said one or more ancillary data files that have been downloaded from said data source, said off-line management procedure including a file descriptor identification procedure by which said ancillary data module categorizes said one or more ancillary data files, said imaging device responsively updating camera menus to include said one or more ancillary data files to thereby enable a system user to utilize said one or more ancillary data files. It is noted that Sarbadhikari does teach on-line management of ancillary data files, in that the identified files may be selectable chosen by the user when connected to the data source (col. 4 lines 40-47; col. 7 lines 38-47.)

Nevertheless, Anderson is found to teach dynamically updating software driven features in an electronic imaging device, in which the user may supplement the baseline application programming of the imaging device (col. 2 lines 18-25.) The system of

Anderson provides a procedure for updating of camera menus to reflect the addition of one or more ancillary data files, thereby enabling a system user to utilize one or more of the ancillary data files, (col. 8 line - col. 9 line 19.) The procedure of Anderson further teaches a file descriptor identification procedure by which said ancillary data module categorizes said one or more ancillary data files (figs. 7 and 8; col. 8 line 1 – col. 9 line 19.) Although Anderson employs hot mounted files, Anderson demonstrates a teaching of a menu reorganization procedure for files made accessible to the imaging device. When taken in light of the system as taught by Sarbadhikari and Steinberg, which includes ancillary data files selected and downloaded to the imaging device from a computer in a distributed computer network, one of ordinary skill in the art at the time of the invention would have found it obvious to add the functionality of a user accessible menu which was appropriately updated to reflect the newly added software enhancements available, so that the user may fully utilize all the imaging device's available functionality. It would have been further obvious to one of ordinary skill in the art at the time of the invention to employ a file descriptor identification procedure similar to that taught by Anderson, with the system as taught by Sarbadhikari and Steinberg, in order to correctly identify and implement the ancillary data files, and their corresponding functionality, which have been added to increase the available functionality of the imaging device, based on the selected files previously added via download from a computer in a distributed computer network. As to the occurrence of the procedure taught above, in conjunction with a teaching by Anderson of the procedure occurring within the imaging device (fig. 8), it would also have been obvious to one of ordinary

skill in the art that the procedure of the system as taught by Sarbadhikari, Steinberg, and Anderson be performed off-line, so that once the selected files had been downloaded, the imaging device is free to operate as a physically autonomous device, having no further need to be tethered or on-line with the computer, and free to perform the procedure at locations other than those accessible to the computer and at times when on-line accessibility is limited or no longer available.

Regarding claim 19, Sarbadhikari, Steinberg, and Anderson teach all the limitations of claim 19 (see the 103(a) rejection to claim 18 supra), including teaching a system wherein said off-line management procedure includes a file reorganization procedure ('957 – col. 9 lines 1-6) and a file deletion procedure ('957 – col. 9 line 55 – col. 10 line18).

Regarding claim 20, Sarbadhikari, Steinberg, and Anderson teach all the limitations of claim 20 (see the 103(a) rejection to claim 18 supra), including teaching a system wherein said imaging device utilizes an editing module ('264 - fig. 2 indicator 22) from said ancillary data module to effectively combine selected ones of said one or more ancillary data files with one or more images from said image data to thereby create a new composite image ('264 - col. 5 lines 22-24, col. 10 lines 30-36.)

Regarding claims 38-40 although the wording is different, the material is considered substantively equivalent to claims 18-20, respectively, as discussed above.

Regarding claim 41, Sarbadhikari teaches storing one or more ancillary data files in a data source (col. 11 lines 26-37), said data source being implemented as a computer (fig. 11 indicator 4; col. 11 lines 26-37), capturing said image data with an

imaging device (col. 2 line 66 – col. 3 line 2; col. 5 line 55 – col. 6 line 26; col. 11 lines 26-37), transferring said one or more ancillary data files from said data source to said imaging device by using an ancillary data module (col. 4 lines 44-47; fig. 10 indicators 20, 18, and 22; col. 6 lines 10-37; col. 11 lines 26-37), and manipulating said image data with said one or more ancillary data files (col. 6 lines 5-58; col. 10 lines 24-39), said ancillary data files performing one or more on-line management procedures during which a system user interactively utilizes said imaging device to view, manipulate select and download said ancillary data files, said one or more on-line management procedures occurring while an active bi-directional communication path currently exits from said imaging device to said computer (col. 4 lines 37-56; col. 7 lines 15-50; col. 9 lines 9-13; col. 11 lines 26-37), said one or more ancillary data files including one or more image data files that said imaging device combines with said image data to create a new composite image (col. 4 line 57 – col. 5 line 40.) However, Sarbadhikari does not teach any of the above steps occurring in conjunction with a computer in a distributed computer network. Additionally, although Sarbadhikari does teach the above program/programming/processor related steps, Sarbadhikari does not teach each step involving program instructions within a computer-readable medium.

Nevertheless, Steinberg is found to teach similar steps for manipulating image data in which a computer in a computer in a distributed computer network is employed (fig. 1 indicators 16 and 18; col. 4 lines 2-4 and lines 49-53.) It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated a computer in a distributed computer network as taught by Steinberg, with

the computer as taught by Sarbadhikari, in order to create the steps for manipulating image data which allowed for transferal of one or more ancillary data files from a computer far removed from that of the imaging device configured to capture said image data, as well as to possibly allow for the transferal of one or more ancillary data files from more than one computer or data source.

Furthermore, Anderson is found to teach a computer readable medium comprising program instructions for a system that dynamically updates software functions in an electronic imaging device (col. 13 lines 33-54; col. 14 lines 25-43.) It would have been obvious to one of ordinary skill in the art at the time of the invention to transfer the steps as taught by Sarbadhikari and Steinberg, which are effectuated by processors within programmed devices, and due to their processor based execution, are employed as programmed instructions, onto a computer readable medium comprising program instructions as taught by Anderson, so that they may be easily transferred or from one computer in a distributed computer network to another computer in another distributed computer network, or so that they may be loaded as firmware onto a device to update or restore camera functionality without having to update or replace device hardware.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 571-272-7318. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen T. Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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